

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of June 19, 2018

SUBJECT: Proposed Amendment to Chapter 55, Section 5.28.4 Citizen Participation Requirements (B) Type 1 Applications

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing relevant information, recommend approval of the proposed amendment to Chapter 55, Citizen Participation Requirements.

STAFF RECOMMENDATION:

Staff recommends that the proposed text amendment be recommended for approval to the City Council.

DESCRIPTION OF AMENDMENT:

The proposed amendment would add Special Exception Use petitions as a Type 1 Application (formerly “major” petition) under the Citizen Participation Requirements. Under current ordinance, the majority of special exception use petitions are a Type 2 (i.e. minor) petition which require applicants to notify all property owners and residents within 500 feet of the proposed site that a petition has been submitted and that recipients will be provided an opportunity to discuss the petition with the applicant.

With this proposed amendment, special exception use permit applicants would be required to notify all property owner and residents within 1,000 feet, and to hold a citizen participation meeting to present the proposed project to any interested citizens. A record of this meeting would then need to accompany any submitted application.

HISTORY AND PLANNING BACKGROUND:

Citizen Participation requirements were adopted by the City in 2008, and became effective in 2009. The intent of these requirements are to encourage applicants to pursue early and effective citizen participation, to gather citizen comments regarding proposals so that they may respond to and/or mitigate any real or perceived impacts on the community , and to facilitate ongoing communications to potentially affected citizens throughout the application review process.

ANALYSIS:

Special Exception Uses, by ordinance, are uses that may be denied, approved, or approved with conditions by the Planning Commission. The standards set forth for consideration of Special Exception uses include: consistency with the general objectives

of the City Master Plan; compatibility with general vicinity and character of neighborhood; will not be detrimental to neighborhood area; and that the location, size, and intensity of use will not be hazardous or inconvenient to the neighborhood.

Examples of Special Exception Uses under City Ordinance include: Fraternities, sororities and student cooperative housing; Group housing; Club headquarters or community centers; Conference centers; Religious Assembly; Adult day care centers; child care centers; Private institutions of higher learning; private schools; Hospitals; Outdoor recreation facilities; Fueling stations; Medical marijuana provisioning centers, growers, and processors; Automobile, truck, construction equipment repair; Parking lot or structures; Veterinary, kennel and animal boarding; Non-profit offices; Scrap and metal yards; Slaughterhouses; and Wireless communication facilities.

The City has received 81 applications for Special Exception Use permit since 2008.

Prepared by Brett Lenart, Planning Manager
6/15/18

Attachments: Proposed Ordinance Amendment

cc: Community Services Administrator, Derek Delacourt
Senior Assistant City Attorney, Kevin McDonald
File

Citizen Participation Requirements

Purpose

The intent of this Section 5.28.4 is to:

Ensure that Applicants seeking approval of applications that require public hearings pursue early and effective citizen participation in conjunction with their proposed Developments, giving citizens an early opportunity to learn about, understand and comment upon proposals, and providing an opportunity for citizens to be involved in the Development of their neighborhood and community.

Provide clear expectations and formal guidance for Applicants to gather citizen comments regarding their proposals so that they may respond and attempt to mitigate any real or perceived impacts their proposed Development may have on the community.

Facilitate ongoing communications between Applicants and interested or potentially affected citizens throughout the application review process.

Type 1 Applications

For purposes of this Section 5.28.4, a Type 1 application includes:

A site plan for City Council or Planning Commission approval proposing over 80 Dwelling Units, over 50,000 square feet of floor area, or Buildings over 65 feet in height;

Any Special Exception Use permit;

A rezoning or amendment to PUD Supplemental Regulations;

An application for planned project modifications; or,

Any application that may require citizen participation depending on the scope, nature, or unusual characteristics as determined by the Planning Manager.

For Type 1 applications, the following requirements shall be completed by the Applicant:

Preliminary Meeting

The Applicant shall meet with the PDSU to review the requirements set forth in this Section 5.28.4.

Required Notification

The Applicant shall mail written information about citizen participation to all property owners, addresses and registered neighborhood groups within 1,000 feet of the proposed project site, as well as the PDSU, at least ten business days prior to the date of the citizen participation meeting. Addresses shall be provided by the PDSU. An electronic copy of the information must also be provided to the PDSU at least ten business days prior to the date of the citizen participation meeting to be forwarded to other interested citizens registered with the PDSU. At a minimum, the written information shall include all of the following in a format provided by the PDSU:

A statement explaining the citizen participation requirements, including identification of who is sending the notice, an explanation of why and to

whom such information is being sent, the opportunities for participation, and how the information gathered through the citizen participation process will be used by the Applicant.

A statement that an application is being prepared for submittal along with a written description of the proposal and a conceptual sketch of the Development and site plan.

The Applicant's schedule for citizen participation meetings, the anticipated application submittal date and the anticipated City review and approval schedule.

The date, time, and location of the meetings.

How citizens will be provided an opportunity to discuss the application with the Applicant and express any concerns, issues, or problems they may have with the proposed project.

Citizen Participation Meeting

The Applicant shall hold at least one citizen participation meeting at least ten Business days prior to the established application submittal deadline. The meeting shall be organized and held in accordance with the Citizen Participation Meeting Guidelines provided by the PDSU.

Final Citizen Participation Report

The Applicant shall provide a written report in a format provided by the PDSU on the results of its citizen participation activities as part of the required information submitted for approval. At a minimum, the report shall include all of the following information in a format provided by the PDSU:

- a. Detailed description of the Applicant's efforts used to involve citizens, including dates and locations of all meetings; and copies of all written materials prepared and provided to the public, including letters, meeting notices, emails, newsletters and other publications.
- b. A written statement of the number of citizens sent notices by mail, email or other, the number of citizens attending meetings, and copies of attendance or sign-in sheets of meetings.
- c. A written summary of comments, concerns, issues, and problems expressed by citizen participants; a statement of how the Applicant has addressed or intends to address these concerns, issues or problems, or why a concern, issue or problem cannot or will not be addressed.

Type 2 Applications

Type 2 Applications include any other type of application that requires a public hearing under this chapter but is not covered by Subsection 5.28.4B for Type 1 applications, the following requirements shall be completed by the Applicant:

Required Notification

The Applicant shall mail a written announcement to all property owners, addresses and registered neighborhood groups within 500 feet of the proposed project site, as well as the PDSU, within five business days of acceptance of the application by the PDSU. Addresses shall be provided by the PDSU. An electronic copy of the announcement must also be provided to the PDSU within five Business days of acceptance of the application to be forwarded to other interested citizens registered with the PDSU. At a minimum, the written announcement shall include all of the following information in a format provided by the PDSU:

A statement that an application has been submitted with a written description of the proposal and a conceptual sketch of the Development and site plan.

How citizens who have been sent notices will be provided an opportunity to discuss the application with the Applicant and express any concerns, issues, or problems they may have with the proposed project.

Citizen Participation Report

The Applicant shall provide the PDSU with written documentation of any meetings or discussions that are held with citizens at least ten business days prior to the Planning Commission public hearing on the application.

Waiver of Requirements

The Planning Manager may waive these requirements for applications to amend the zoning map when:

The requested zoning designation is PL (Public Land).

The application is to annex a parcel of less than two acres and zone the parcel for Single-Family residential use.

3. There is no proposed change in land use and no Development is proposed.